

Fee Chq  
7-21-06  
JGM

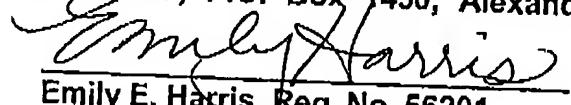
**CONFIDENTIAL**

**TO EXAMINER:** Traviss McIntosh **FAX #:** 571 273 0657  
**GROUP ART UNIT:** 1623.  
**ADDRESS:** U.S. Patent and Trademark Office  
P.O. Box 1450, Alexandria, VA 22313-1450  
**EXAMINER PHONE:** 571 272 0657

Transmitted here with regarding Attorney docket no. 4532680/79200, Application Serial No. 10/743,111, Filed December 22, 2003, are the following:

Transmittal Form  
 Fec Transmittal Form  
 PTO form 2038, Credit Card Payment Form for payment in the amount of \$390.  
 Petition for Extension of Time  
 Response under 37 CFR 1.11 (    pages)  
 Terminal Disclaimer

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being transmitted by facsimile and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2006.

  
Emily E. Harris, Reg. No. 56201

4 PAGE(S) TO FOLLOW THIS COVER SHEET

**IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF PAGES,  
PLEASE CALL 515-288-2500**

PTO/SB/25(08-04)

Approved for use through 07/31/2008. OMB 0651-0131  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCETERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)  
4532680/79200

In re Application of: Sas, et al.

Application No.: 10/743,111

Filed: 12/22/2003

For: Use of Macrolides in the Treatment of flaviviridae Infections

The owner, Kemlin Pharma Europe B.V.B.A., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal or the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

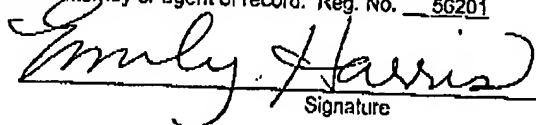
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 56201



Signature

July 20, 2006

Date

Emily E. Harris

Typed or printed name

08/08/2006 SLUANG1 00000005 10743111

515-288-2500

01-FG-181

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20 (d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#1297197